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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,479	02/22/2002	Siani Lynne Pearson	B-4517 619563-3	8505

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EXAMINER

AUGUSTIN, EVENS J

ART UNIT	PAPER NUMBER
	3621

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/080,479	PEARSON ET AL.	
	Examiner Evens Augustin	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 February 2002.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-24 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/24/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

Status of Claims

1. Claims 1-24 have been examined.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. “Proxy Gateway” critical or essential to the practice of the invention, which included in the claim is not included and is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10 and 12-24 are rejected under 35 U.S.C. 102(e) as being anticipated by England et al. (U.S 6,327,652).

As per claims 1-10 and 12-24, England et al. discloses a computer system that identifies computers in a network comprising of the following:

- A server (column 8, line 43) that makes challenges to user devices accessing content within a network (column 9, lines 41-51). The challenges can take place when certificates have to be renewed periodically (column 12, lines 37-40). A log or historical status of the user devices in the network is also being kept (column 13, lines 54-59), and the content of the log must be certified when the device is challenged (column 14, lines 38-39). The content provider server also stores (or keep record) of an “access predicate”, which the server makes available with the content and the “access predicate” contains response specifications that must be reconciled during access (column 19, lines 6-40) –

Claims 1, 2, 9, 21, 23, 24

- Keeping a log or historical status of the user devices in the network (column 13, lines 54-59), and the content of the log must be certified when the device is challenged (column 14, lines 38-39) – *Claim 3*
- Response message transmitted to the server, that includes the identity of the user devices (new or used) (column 9, lines 48-51) – *Claims 4-5*
- In the challenge-response process (column 9, line 52), the content will not be accessed unless a trust relationship is established between the devices (column 10, lines 14-17) –
Claims 6-7,
- The server is the main hub (gateway) of access of content for a particular content provider (figure 1) - *Claim 8*
- The “access predicate” contains unique identifiers that must be provided during access of the digital content (column 19, lines 15-39) - *Claim 10*

- The user-computing device (figure 1a, item 20) contains a processing unit (figure 20, item 21), arranged as part of a network to send and receive information (item 1a, items 51, 52). Information/content will not be accessed unless a trust relationship is established between the devices (column 10, lines 14-17) – *Claim 12*
- The user-computing device (figure 1a, item 20) contains a processing unit (figure 20, item 21), arranged as part of a network to send and receive information (item 1a, items 51, 52). Information/content will not be accessed unless a trust relationship is established between the devices (column 10, lines 14-17). The challenge-response process follows common protocols for data exchange (column 9, lines 52-55) – *Claims 13, 22*
- Counters can be used as part of a challenge as to whether or not a certificate is not valid or untrustworthy (column 12, lines 43-52, column 15, lines 50-60, column 19, lines 45-49) – *Claims 14-15*
- Making challenges to user devices accessing content within a network (column 9, lines 41-51). The challenges can take place when certificates have to be renewed periodically (column 12, lines 37-40). Storing (or keep record) of an “access predicate”, associated with the digital content and containing response specifications that must be reconciled during access (column 19, lines 6-40) – *Claims 16, 17*
- Keeping a log or historical status of the user devices in the network (column 13, lines 54-59), and the content of the log must be certified when the device is challenged (column 14, lines 38-39) – *Claim 18*
- The response message transmitted to the server and includes the identity of the user devices (new or used) (column 9, lines 48-51) - *Claim 19*

- The “access predicate” contains unique identifiers that must be provided during access of the digital content (column 19, lines 15-39), in order to establish a trust relationship (column 10, lines 14-17) – *Claim 20*

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over England et al. (U.S 6,327,652), in view of Ogg et al. (U.S 6,868,406).

As per claim 11, England et al. discloses a computer system that identifies computers in a network comprising of the following:

- A server (column 8, line 43) that makes challenges to user devices accessing content within a network (column 9, lines 41-51). The challenges can take place when certificates have to be renewed periodically (column 12, lines 37-40). A log or historical status of the user devices in the network is also being kept (column 13, lines 54-59), and the content of the log must be certified when the device is challenged (column 14, lines 38-39). The content provider server also stores (or keep record) of an “access predicate”, which the server makes available with the digital content and the “access predicate”

contains response specifications that must be reconciled during access (column 19, lines 6-40).

England et al. did not explicitly describe a system that uses proxy servers. However, Ogg et al. teaches a system that uses gateway servers as proxy servers (column 11, lines 55-59). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to construct a system that uses gateway servers as proxy servers. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement such system because a proxy server would allow clients to make indirect network connections to other network services, and request a connection, file, or other resource available on a different server.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - Detreville (US 6,609,199) - Secure communication channel between devices on an open system
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evens Augustin whose telephone number is 703-305-0267. The examiner can normally be reached on Monday thru Friday 8 to 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammel can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any response to this action should be mailed to:

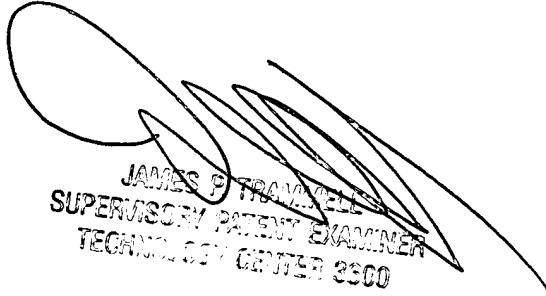
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 305 – 5532 (for formal communications intended for entry and after-final communications), or (703) 746-5532 (for informal or draft communications, please label “PROPOSED” or “DRAFT”)

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Evens J. Augustin
October 28, 2004
Art Unit 3621



JAMES P. TRAMMELE
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